

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michael Joseph Roy,

Case No. 24-CV-0075 (JMB/JFD)

Plaintiff,

v.

**ORDER ON REPORT AND
RECOMMENDATION**

Neal Aaron Warren,

Defendant.

This matter is before the court on the Report and Recommendation (R&R) of United States Magistrate Judge John F. Docherty dated February 13, 2024. (Doc. No. 5.) The R&R recommends that Plaintiff Michael Joseph Roy's Complaint under 42 U.S.C. § 1983 (Doc. No. 1) be dismissed without prejudice under Rule 41(b) for failure to prosecute and Roy's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. No. 2) be denied as moot. (*See* Doc. No. 5.) Roy did not file any objections to the R&R and the time to do so has now passed. *See* D. Minn. L.R. 72.2(b)(1).

In the absence of timely objections, the Court reviews the R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. No. 5) is ADOPTED;
2. This matter is DISMISSED WITHOUT PREJUDICE under Federal Rule of Civil Procedure 41(b) for failure to prosecute; and

3. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs (Doc. No. 2) is DENIED as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 6, 2024

/s/ Jeffrey M. Bryan

Judge Jeffrey M. Bryan

United States District Court